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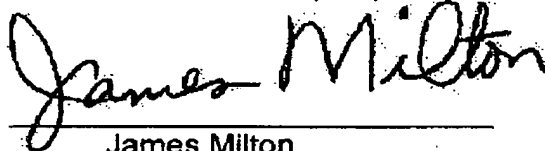
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CENTRAL FAX CENTER**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE** JUL 01 2009**Patent Application**

**Inventor(s):** Cynthia K. Florkey et al.  
**Case No.:** LUC-466/ Florkey 16-10-24  
**Serial No.:** 10/768,409  
**Filing Date:** 01/30/2004  
**Title:** PORTING A DIRECTORY NUMBER FOR A DURATION OF TIME

**Examiner** Khai N. Nguyen  
**Art Unit:** 2614

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2614, Attention: Examiner Khai N. Nguyen, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on July 1, 2009.



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Date of Signature: July 1, 2009

Commissioner for Patents  
Mail Stop Amendment  
Group Art Unit 2614  
**Attention: Examiner Khai N. Nguyen**  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax Number (571) 273-8300

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

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**REMARKS**

Claims 1-26 are pending in the application. Claims 1, 18 and 25-26 were rejected under 35 U.S.C. § 102 (b). Claims 2-17, 19-20 and 22-24 were rejected under 35 U.S.C. § 103 (a).

**Rejection Under 35 U.S.C. § 102 (b)**

Claims 1, 18 and 25-26 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U. S. Patent Number 6,266,405 issued to Madour on July 24, 2001.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, applicants' claim 1 recites,

"a portability component that runs on a hardware component automatically updates one or more provisioning components to port a directory number for a duration of time, wherein the portability component communicates with a management component through employment of one or more protocols to update one or more local number portability databases, at least one of the one or more protocols being a Session Initiation Protocol (SIP)."

Madour does not teach these limitations. Instead, Madour discloses a technique for providing portability of Internet addresses across telecommunication and data communication networks. In Madour, conventional number portability request invoke messages, e.g., ANSI 41 NPREQ, and the number portability request return result messages, e.g., ANSI41 npreq, are modified to include additional information. The additional information includes a new optional routing address parameter, "Routing IP Address," that permits routing of the call on an IP network towards the ported Internet service provider, e.g., voice over IP, and a new "Ported Gateway Capabilities" parameter that specifies the protocol capabilities of the ported gateway, as stated in column 5, lines 37-57. Madour discloses that the protocol capabilities of the ported gateway include options such as SIP, H.323, etc., as stated in column 6, lines 17-23. Furthermore, Madour discloses in column 6, line 44 to column 7, line 7,

"A flow diagram of the operation of the exemplary embodiments discussed above is shown in FIG. 5. When a communication is initiated 110, the switching center/end user

terminal/network node (117, FIG. 6) will initiate 111 a Number Portability Request message (118, FIG. 6) to the NPDB (30, FIG. 6) which will include the "Transaction Capability" parameter. The NPDB then determines 112 whether the "Transaction Capability" parameter indicates that the MSC/end user terminal/network node is capable of initiating Internet calls to a destination IP address. If Internet addressing is not supported, meaning that the originating domain is not able to set-up an Internet call to the ported Internet service provider, the NPDB will return 113 an LRN in E.164 format that is the address of the closest gateway to the ported Internet service provider (ISP) capable of performing protocol conversion. If, however, Internet addressing is supported, the NPDB further analyzes the ported address to determine whether the ported address is a text address 114. If the ported address is a text address, then the NPDB queries a directory name server to request the IP address which corresponds to the text address.

The NPDB then returns 115 the IP address to which the called subscriber is ported to the originating MSC/end user terminal/network node via the "Routing IPAddress" parameter (119, FIG. 6). The NPDB additionally returns 120 the available protocol options of the ported gateway via the "Ported Gateway Capabilities" parameter. The originating domain (i.e., the mobile switching center, end user terminal, or network node), then selects 122 one of the options specified in the parameter for initiating 123 the call towards the ported domain (or the new service provider)."

In other words, Madour uses the SIP protocol for providing the portability of Internet addresses. Madour does not use for the SIP protocol for providing the portability of directory numbers as required by applicants' claim 1. Thus, Madour does not utilize the SIP protocol in the manner recited in applicants' claim 1.

Second, Madour does not teach a "provisioning component" as recited in applicants' claim 1. A "provisioning component", as in claim 1, a) initiates requests to port a directory number for a duration of time to the portability component, b) receives updates from the portability component for one or more directory numbers ported to the network, and c) notify the subscriber databases of the directory number to port for the duration of time. Since Madour does not define a component with such functions, Madour is missing the "provisioning component", as recited in applicants' claim 1.

In view of the foregoing, applicants submit that Madour does not describe each and every element of claim 1, and therefore claim 1 is not anticipated by Madour. Since claims 2-17 and 22-26 depend from allowable claim 1, these claims are also allowable.

Independent claims 18 and 21 each have limitations similar to that of independent claim 1, which was shown are not taught by Madour. For example, claim 18 recites, "automatically updating, via a portability component that runs on a hardware component, one or more provisioning components ... ; and communicating with a management component through employment of one or more protocols to update one or more local number portability databases, at least one of the one or more protocols being a Session Initiation Protocol (SIP)" and claim 21 recites "means in the one or more media for automatically updating one or more provisioning components ... ; and means in the one or more media for communicating with a management component through employment of one or more protocols to update one or more local number portability databases, at least one of the one or more protocols being a Session Initiation Protocol (SIP)". Madour does not teach these limitations for the above-mentioned reasons. Therefore, claims 18 and 21 are likewise allowable over Madour. Since claims 19-20 depend from claim 18, these dependent claims are also allowable.

Rejections Under 35 U.S.C. § 103 (a)

Rejection Under Madour, Mazzarella and Moss

Claims 2-17, 19-20 and 22-24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Madour in view of U. S. Patent Number 6,819,921 issued to Mazzarella et al. and in view of U. S. Patent Number 6,785,372 issued to Moss.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, as stated hereinabove, Madour does not teach the limitations of applicants' claim 1 because Madour does not use the SIP protocol in the manner required by applicants' claim 1. Also, as stated in the Final Office Action, Mazzarella and Moss do not teach or suggest a portability component that communicates with a management component through employment of a Session Initiation Protocol. Thus, Madour, Mazzarella and Moss are missing the "wherein the portability component communicates with a management component through employment of one or more protocols to update one or more local number portability databases, at least one of the one or more protocols being a Session Initiation Protocol (SIP)" elements, as recited in claim 1.

Second, there is no motivation to combine Mazzarella and Moss.

Specifically, the problems that the references address are so different that the teachings provide no motivation for the person of ordinary skill to combine them.

More specifically, Mazzarella addresses the problem of porting a mobile directory number from an existing wireless service provider to a new wireless service provider without having to visit the existing or new wireless service provider. By contrast, Moss provides an improved technique for implementing prepaid dialtone services.

Also, the services offered by the networks in Mazzarella and Moss are different, which places different requirements on the network infrastructure needed for supporting the different services. Mazzarella ports directory numbers in wireless networks. By contrast, Moss provides prepaid dialtone service to wire-line network subscribers.

Furthermore, the subscribers that each reference addresses are so different that the teachings provide no motivation to combine them. Mazzarella mentions wireless subscribers only. By contrast, Moss addresses wire-line subscribers, i.e., a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line. See claim 1 of Moss.

Still further, the number of service providers addressed by each reference is so different that the teachings provide no motivation to combine them. Mazzarella's requires two service providers. By contrast, Moss requires only one service provider.

Accordingly, one of ordinary skill in the art would not be motivated to combine a solution that provides 1) porting directory numbers in **wireless** networks, with 2) providing prepaid dialtone service to subscribers of a **wire-line** network.

Furthermore, Mazzarella makes no mention of prepaid dialtone service to subscribers of a wire-line network, nor is there a teaching in Mazzarella to suggest that there would be an improvement in Mazzarella's technique for porting a mobile directory number from an existing wireless service provider to a new wireless service provider with Moss' prepaid dialtone service to subscribers of a wire-line network. Since the teachings of Mazzarella adequately address the problem of porting a mobile directory number from an existing wireless service provider to a new wireless service provider without having to visit the existing or new wireless service provider, there is no motivation to combine Mazzarella with Moss' teachings. Given that Mazzarella technique does not suffer from the problems that Moss addresses, one of ordinary skill

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in the art would not be led to try to improve Mazzarella's technique with Moss' teachings. Thus, one of ordinary skill in the art would not be motivated to modify Mazzarella with Moss' teachings. Accordingly, applicants submit that the combination and resultant rejection are improper. Therefore claims 2-17, 19-20 and 22-24 are allowable over the proposed combination of Madour, Mazzarella and Moss.

#### Rejection Under Madour and Petrunka

Claim 21 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Madour in view of U. S. Patent Number 6,584,193 issued to Petrunka et al.

Applicants respectfully traverse these grounds of rejection.


This rejection is based on the rejection under Madour, Mazzarella and Moss being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest the limitations as recited in applicants' independent claims 1, 18 or 21, the combination of Madour and Petrunka does not supply these missing elements. Thus, this combination does not make obvious any of applicants' claims, all of which require the limitations of claims 1, 18 and 21.

#### Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,

  
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Dated: July 1, 2009

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